

**Health Professions Quality Assurance
Board of Hearing and Speech
Significant Legislative Rule Analysis
WAC 246-828-025 Definitions.
WAC 246-828-045 Interim permit requirements
WAC 246-828-04503 Postgraduate professional work experience
WAC 246-828-04505 Supervisor delegation
WAC 246-828-075 Student supervisors - - Scope and definitions**

Brief Description of the Rule

The Department of Health, Board of Hearing and Speech, is proposing the following amendments to WAC 246-828-025, WAC 246-828-045 WAC 246-828-04503, WAC 246-828-04505, and WAC 246-828-075:

- Update the current accrediting body for programs in audiology or speech-language pathology.
- Provide clarification and updates regarding supervision during the postgraduate professional work experience (interim permit holders).
- Provide clarification and updates regarding supervision of students.
- Limit the number of interim permit holders that an audiologist or speech-language pathologist can supervise to four.
- Increase the time period that an interim permit can be extended.

Is a Significant Analysis required for this rule?

Yes. Portions of these rules require a significant analysis. However, the Department of Health has determined that no significant analysis is required for the following portions of the rule.

WAC 246-828-025 Definitions – Proposed changes to this rule will update the definition of “Board-approved institution of higher education” with the current accrediting body of the council on academic accreditation in audiology and speech-language pathology, and the new Au.D degree that encompasses the required postgraduate work experience. These changes are housekeeping and clarifying in nature.

WAC 246-828-045 Interim permit requirements – Proposed changes will provide clarification and consistency with terms used in statute.

WACs 246-828-04503 and 04505 are titled as "new sections," but in fact are just existing rule language that has been split out and renumbered. WACs 246-828-04503 and 04505 do not impose any new requirements for licensees.

WAC 246-828-075 Student supervisors – Scope and definitions – Proposed changes to this rule will provide clarification and direction regarding supervision of audiology, hearing instrument fitter/dispenser, and speech-language pathology students.

Those portions required to be analyzed are detailed in Section C.

A. Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

Chapter 18.35 RCW regulates the practice of audiology, hearing instrument fitting and dispensing, and speech-language pathology in the state of Washington. The purpose of the board is to regulate the competency and quality of audiologists, hearing instrument fitter/dispensers, and speech-language pathologists under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensing, consistent standards of practice, continuing education and competency mechanisms, and discipline. Rules, policies, and procedures developed by the board must promote the delivery of quality health care to the residents of the state.

There has been concern from applicants, licensees, and department of health staff regarding the lack of clarity and direction with regard to supervision of students and supervision during postgraduate professional work experience. By further defining the supervision of postgraduate professional work experience standards, and student supervision, it will add clarity and assist in complying with these standards.

RCW 18.35.060 authorizes the department, upon approval of the board, to issue interim permits to audiologists and speech-language pathologists.

B. Determine that the rule is needed to achieve these goals and specific objectives, and analyze alternatives to rulemaking and the consequences of not adopting the rule.

RCW 18.35.161 states that the board shall have the following powers and duties: (5) To pass upon the qualifications of applicants for licensure or interim permits and to certify to the secretary, and (9) To adopt rules relating to standards of care relating to all of the hearing and speech programs.

The Board of Hearing and Speech has determined that amending current rules is the most cost effective means to provide direction and clarification to licensees, interim permit holders, supervisors, students, and the general public.

If these amendments are not adopted there may be qualified individuals for licensure that do not have the correct information.

C. Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

Portions of rules that are required to be analyzed:

WAC 246-828-045 Interim permit – Language is proposed that will limit the supervisory responsibility to no more than four interim permit holders concurrently. Board members, with stakeholder input, discussed and approved proceeding with proposed language that would limit the supervisory responsibility to no more than four interim permit holders.

Purchase agreements in the fitting and dispensing of hearing instruments would be required to be cosigned by the supervisor. Currently, only the supervisor is required to sign purchase agreements. This proposed change will document the identity of both the interim permit holder completing the work, and the supervisor.

Proposed language would allow the board to extend an interim permit up to 24 months. Currently, an interim permit can only be extended for six months. The 24 months that is proposed will increase access to interim permit holders not able to complete their postgraduate professional work experience within 18 months.

If the supervisor of an interim permit holder is terminated, the interim permit holder may only resume practice after a new supervisor is approved by the department.

WAC 246-828-075 – The proposed amendments add audiology and speech-language pathology student supervisory requirements, in addition to hearing instrument fitter/dispensers. Language is proposed stating that speech-language pathology students must be supervised by a licensed speech-language pathologist, and audiology students must be supervised by a licensed audiologist.

Benefit Cost Analysis (RCW 34.05.328(1)(c))

The Administrative Procedures Act requires state agencies to demonstrate that “the probable benefits of the regulation are greater than its probable costs.”

These rules provide clarification and direction for hearing instrument fitter/dispensers, audiology and speech-language pathology students, interim permit holders, students, and licensees regarding supervision requirements for students and individuals who are completing the postgraduate professional work experience (interim permit holders).

The recommended changes will update the rules with current information, and national requirements and standards. They also limit the number of interim permit holders that can be supervised concurrently. Licensed audiologists and speech-language pathologists may assume responsibility for no more than four interim permit holders, which will improve the quality of care, and further protect the public health, safety and welfare.

The recommended changes will add an additional 24 months extension to accommodate part-time postgraduate professional work experience or upon request of the interim permit holder due to illness or extenuating circumstances. There is no cost involved.

Additional changes to the rules are consistent with current practice in Washington State.

Program staff has never received a complaint from an interim permit holder regarding difficulty in finding a new supervisor. In most cases, the change in supervisor is known ahead of time by all parties. There are 1,708 licensed audiologists and speech-language pathologists, and 63 interim permit holders.

These rule amendments have been reviewed, and the Department of Health, Board of Hearing and Speech, has determined that the probable benefits will improve the quality of care, and further protect the public health, safety and welfare without imposing additional costs on the licensee.

D. Determine, after considering alternative versions of the rule, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated previously.

The Department of Health, Board of Hearing and Speech, reviewed the rule amendments and has determined that the proposed amendments are the least burdensome alternative.

Alternatives to the proposed rule changes that were considered, but determined to be more burdensome, include:

- Leave the rule as it is. If the rule is not changed, definitions will be outdated, the rules will continue to lack clarity, and fail to provide clarification and direction regarding direct supervision during the postgraduate professional work experience.
- Limit the amendments to updating the definition of “Board-approved institution of higher education” only. In limiting the amendments applicants, licensees, and department staff would continue to be frustrated by the lack of clarity. The postgraduate professional work experience and the direct supervision requirements need to be clarified to provide the appropriate guidance to applicants and licensees.
- Limit the amendments to adding clarity and providing the necessary direction regarding direct supervision during the postgraduate professional work experience and supervision of students enrolled in a two-year degree program or an institution of higher learning. The proposal assures that clarification and direction would be added, but other relevant changes would not be made, which could compromise patient health and safety.

The proposed rules do not impose costs on the regulated industry. The proposal is the least burdensome alternative considered by the board. These proposed rule amendments will further ensure the quality of patient health and safety.

E. Determine that the rules do not require those to whom it applies to take an action that violates requirements of another federal or state law.

These rules do not violate any federal or state statutes.

F. Determine that the rules do not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

These rules apply the same standards to both private and public entities.

G. Determine if the rules differ from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

These rules do not differ from any other federal regulation or statute applicable.

H. Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state and local laws applicable to the same activity or subject matter.

There are no other applicable laws.